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General and complete disarmament: preventing and combating illicit brokering activities

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Preventing and combating illicit brokering activities

The General Assembly,

Noting the threat to international peace and security posed by illicit brokering activities circumventing the international arms control and non-proliferation framework,

Concerned that, if proper measures are not taken, the illicit brokering of arms in all its aspects will adversely affect the maintenance of international peace and security, and prolong conflicts, and could be an obstacle to sustainable economic and social development and result in illicit transfers of conventional arms and the acquisition of weapons of mass destruction by non-State actors,

Recognizing the need for Member States to prevent and combat illicit brokering activities, which cover not only conventional arms but also materials, equipment and technology that could contribute to the proliferation of weapons of mass destruction and their means of delivery,

Reaffirming that the efforts to prevent and combat illicit brokering activities should not hamper the legitimate arms trade and international cooperation with respect to materials, equipment and technology for peaceful purposes,

Recalling Security Council resolution 1540 (2004) of 28 April 2004, in particular paragraph 3, which determined that all States shall develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary,

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illicit trafficking and brokering in accordance with their national legal authorities and legislation and consistent with international law,

Recalling also resolution 63/67 of 2 December 2008,

Taking note of international efforts to prevent and combat illicit arms brokering, in particular in small arms and light weapons, as demonstrated by the adoption in 2001 of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,[1] and the entry into force in 2005 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[2]

Noting the report of the Group of Governmental Experts established pursuant to resolution 60/81 of 8 December 2005 to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons[3] as an international initiative within the framework of the United Nations,

Welcoming efforts to implement the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, including existing international, regional and bilateral mechanisms for assisting in the prevention of the illicit brokering of small arms and light weapons, and noting, in this regard, the report of the Fourth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,[4]

Underlining the inherent right of Member States to determine the specific scope and content of domestic regulations in accordance with their legislative framework and export control systems, consistent with international laws,

Welcoming the efforts made by Member States to implement laws and/or administrative measures to regulate arms brokering within their legal systems,

Recognizing international efforts to prevent and combat illicit nuclear trafficking including at the Security Council summit on nuclear non-proliferation and nuclear disarmament of 24 September 2009,

Encouraging Member States in a position to do so to share their experience and practices in relation to control of illicit brokering and to further enhance international cooperation to this end,

Noting with satisfaction the activities of the United Nations Institute for Disarmament Research in relation to preventing and combating illicit brokering activities,

Acknowledging the constructive role civil society can play in raising awareness and providing practical expertise on the prevention of illicit brokering activities,

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[1] See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York*, 9-20 July 2001 (A/CONF.192/15), chap. IV, para. 24.

[2] Resolution 55/255, annex.

[3] A/62/163 and Corr.1.

[4] A/CONF.192/BMS/2010/3.

1. *Underlines* the commitment of Member States to address the threat posed by illicit brokering activities;

2. *Encourages* Member States to fully implement relevant international treaties, instruments and resolutions to prevent and combat illicit brokering activities, and takes note of the recommendations contained in the report of the Group of Governmental Experts;[3]

3. *Calls upon* Member States to establish appropriate national laws and/or measures to prevent and combat the illicit brokering of conventional arms and materials, equipment and technology that could contribute to the proliferation of weapons of mass destruction and their means of delivery, in a manner consistent with international law;

4. *Acknowledges* that national efforts to prevent and combat illicit brokering activities can be reinforced by such efforts at the regional and subregional levels;

5. *Emphasizes* the importance of international cooperation and assistance, capacity-building and information-sharing in preventing and combating illicit brokering activities;

6. *Encourages* Member States to draw, where appropriate, on the relevant expertise of civil society in developing effective measures to prevent and combat illicit brokering activities;

7. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Preventing and combating illicit brokering activities".